PHONE NO. : 520 3988229



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paper or fee to being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CPR 1.10 on the date indicated below and is additished to the Commissioner of Patents a d Trederrerks, Washington.

PATENT

Paper No. 1

D.C. 20231 on the days 400 for

File No. NewMrktP99-4

IN THE UNITED STATES PATEINT AND TRADEMARK OFFICE

Inventors

Anthony F. Herbat and Wayne F. Perg

Serial No.

Filed

December 20, 1999

For

DIGITAL COMPUTER SYSTEM FOR OPERATING

A CUSTOMIZABLE INVESTMENT FUND

Group Art Unit

Examiner

The Commissioner of Patents and Trademarks Washington, D.C. 20231

COMBINED DECLARATION AND POWER OF ATTORNEY

SIR:

As a below-named inventor, the undersigned hereby respectfully declares that: the residence, address, and citizenship are as stated below; we believe that we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought in the above-referenced specification; we have reviewed and understand the contents of the above-identified specification, including the claims; we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a); and that all statements made on my/our own knowledge are true and all statements made on





information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint as our attorney, with full powers of inspection, substitution, revocation, and power to appoint associate attorneys, Peter K. Trzyna (Reg. No. 32,601 and a member of the Illinois, New York, and Washington D.C. bars).

Address all correspondence to:

Peter K. Trzyna

P.O. Box 7131 Chicago, Illinois 60680-7131

Address all telephone calls to:

Peter K. Trzyna at

(312) 240-0824

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

Residence and Post Office Address: 625 La Chapa Avenue

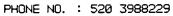
El Paso, Texas

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Dec. 20 1999 02:56PM P3

U.S. Citizen

Date: Dec.20 , 199

Wayne F. Perg,

Residence and Post Office Address: 4720 W. Arivaca Rd. Arnado, AZ 85845

U.S. Citizen

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Dec-20-99 03:20P

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I, Feter K. Trzyna (Reg. No. 32, 501), noreby certify it it fris paper or fee is being deposited with the United States "oster Service "Express Mail Post Office to Addresser" sorts, a under 37 CPR 1.10 on the date indicated below and is addressed the Commissioner of Pastits and Tradomatics. Westington.

PATENT

the Commissioner of Patents and Trade D.C. 2023: on the data set forth below: Paper No. 1

PARK K. YEZYRƏ (Rag. No. 32.604)

File No. NewMrktP99-4

20 DEC 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors

Anthony F. Herbst and Wayne F. Perg

Serial No.

;

December 20, 1999

For

Filed

DIGITAL COMPUTER SYSTEM FOR OPERATING

A CUSTOMIZABLE INVESTMENT FUND

Group Art Unit

Examiner

;

The Commissioner of Patents and Tradsmarks Washington, D.C. 20231

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (3" C.F.R. §§ 1.9(f) and 1.27(c))
8MAL BUSINES CONCERN

SIR:

We hereby declare that we respectively are each an official of the respective small business concerns empowered to act on behalf of the respective concerns identified as New Market Solutions LLC, an Arizona corporation, having an address at 4720 W. Arivaca Rd. Atnado, AZ 86645.

We further respectively declare that New Market Solutions LLC is a small business concern that qualifies as a small business concern as defined in 37 C.F.R. §§ 1.9(c) and 121.12 for purposes of paying reduced fees under Sections 41(a) and (b) of



Title 35, United States Cod , to the Patent and Trademark Office with regard to the invention described in the above-identified patent application being filed herewith, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purpose 3 of the Declaration Claiming Small Entity Status, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the pursons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party (or parties) controls or has the power to control the other, or a third party (or parties) controls or has the power to control both.

We further respectively declare that rights under contract or law for the above-identified invention and patent application have been conveyed to, and remain with, the small business concerns identified above. These rights are exclusive and no rights to the invention are held by any person, other than the inventors, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

We each acknowled get the duty to file in this application notification of any change in status resulting in loss of entitlement to small entity prior to paying, or at the time of paying, the earliest of the issue 139 after the cate on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

We each hereby di-clare that all statements made herein on knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements

P.07

Dec-20-99 03:14P

may jeopardiz the validity of the application, any patent issuing thereon, r any patent to which this verified statement is directed.

Date: 20 Decombo 1999

Anthony F. Herost

Residence and Post Office Address: 625 La Chapa Avenue

El Paso, Texas 79912-2321

U.S. Citizen

Date:	, 1999	
		Wayne F. Perg,

Residence and Post Office Address: 4720 W. Arlvaca Rd.

Amado, AZ 85645

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Date: _____, 1999

Arithony F. Herbst

Residence and Post Office Addre s: 625 La Chapa Avenue

El Paso, Texas 79912-23:21

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Date: Dec. 20 . 1998

Wayne F. Pero

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